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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,301	02/07/2001	Wakefield Scott Stornetta JR.	8025-1	5656
22150	7590	07/26/2005		
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			EXAMINER BACKER, FIRMIN	
			ART UNIT	PAPER NUMBER
			3621	
DATE MAILED: 07/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/778,301	Applicant(s) STORNETTA ET AL.	
	Examiner Firmin Backer	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (*non patent literature, applicant admitted prior art*) in view of Schuetze et al (U.S. Patent No. 6,751,612).

3. As per claims 1 and 20, Hall teaches a method/system of mediating access to a person's availability information via a communication medium, comprising creating one or more filters (*pac*) each filter including information defining how the availability information is to be presented, a parameter used to identify an individual to whom the access is to be granted, and associating a filter with the individual, identifying the individual when the individual attempts to access the filtered information, retrieving the filter associated with the individual, (*see introduction paragraph 4, section 2.2, 3.1, 3.2 4, 4.1, 4.2, and 6*). Hall fail to teach an inventive concept of and presenting back to the individual the person's up-to-date availability information processed by the associated filter. However Shuetze et al teach an inventive concept of and presenting back to the individual the person's up-to-date availability information processed by

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the associated filter (*see column 1 lines 45-62*). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Hall to include Shuetze et al's inventive concept of and presenting back to the individual the person's up-to-date availability information processed by the associated filter because this would have provided relevant information which has been recently published or altered.

4. As per claim 2, Hall teaches a method of deactivating said one or more filters upon satisfaction of a preset condition relating to said filter (*see introduction paragraph 4, section 2.2, 3.1, 3.2 4, 4.1, 4.2, and 6*).

5. As per claim 3, Hall teaches a method wherein the filtered information is prevented for access by the individual after said one or more filters is deactivated (*see introduction paragraph 4, section 2.2, 3.1, 3.2 4, 4.1, 4.2, and 6*).

6. As per claim 4, Hall teaches a method of identifying the individual is by digital signature (*see introduction paragraph 4, section 2.2, 3.1, 3.2 4, 4.1, 4.2, and 6*).

7. As per claim 5, Hall teaches a method of associating a token with each filter; giving notice of the token to the individual; and use of the token for identifying the individual and determination of the associated filter (*see introduction paragraph 4, section 2.2, 3.1, 3.2 4, 4.1, 4.2, and 6*).

8. As per claim 6, Hall teaches a method wherein said filtered information is a filtered view of a calendar of the person (*see introduction paragraph 4, section 2.2, 3.1, 3.2 4, 4.1, 4.2, and 6*).

9. As per claim 7, Hall teaches a method wherein each of the one or more filters presents a different version of the person's availability information (*see introduction paragraph 4, section 2.2, 3.1, 3.2 4, 4.1, 4.2, and 6*).

10. As per claims 8 and 10, Hall teaches a method wherein the communication medium is telephony or instant messaging (*see introduction paragraph 4, section 2.2, 3.1, 3.2 4, 4.1, 4.2, and 6*).

11. As per claim 9, Hall teaches a method of identifying the individual is by caller ID (*see introduction paragraph 4, section 2.2, 3.1, 3.2 4, 4.1, 4.2, and 6*).

12. As per claim 11, Hall teaches a method of mediating access to a person via a communication medium, comprising creating one or more filters, each filter including information defining an individual's ability to arrange access to the person, and at least one parameter used to identify the individual to whom the access is to be granted identifying the individual when the individual attempts to arrange access to the person, determining an appropriate filter based on identification of the individual, applying the appropriate filter to up-to date availability information of the person (*see introduction paragraph 4, section 2.2, 3.1, 3.2 4, 4.1, 4.2, and 6*). Hall fail to teach an inventive concept of and presenting back to the individual

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the person's up-to-date availability information processed by the associated filter. However Shuetze et al teach an inventive concept of and presenting back to the individual the person's up-to-date availability information processed by the associated filter (*see column 1 lines 45-62*). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Hall to include Shuetze et al's inventive concept of and presenting back to the individual the person's up-to-date availability information processed by the associated filter because this would have provided relevant information which has been recently published or altered.

13. As per claims 12, Hall teaches a method wherein said step of arranging for access to the person includes presenting to the individual up-to-date availability information of the person (*see introduction paragraph 4, section 2.2, 3.1, 3.2, 4, 4.1, 4.2, and 6*).

14. As per claims 13-16, Hall teaches a method wherein the up-to-date availability information is presented through the appropriate filter upon identification of the individual and dynamically updated by the appropriate filter and instantaneous availability information of the person is presented to the individual when the individual is identified and is based on detection of the person's location by GPS (*see introduction paragraph 4, section 2.2, 3.1, 3.2 4, 4.1, 4.2, and 6*).

15. As per claims 17, Hall teaches a method wherein the communication medium is instant messaging on a global electronic network and whether access to the person by any individual

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depends on the individual identified (*see introduction paragraph 4, section 2.2, 3.1, 3.2 4, 4.1, 4.2, and 6*).

16. As per claims 18 and 19, Hall teaches a method of giving a token to the individual, said token for use in identifying the individual includes use of the token and one other identification means to authenticate the individual (*see introduction paragraph 4, section 2.2, 3.1, 3.2 4, 4.1, 4.2, and 6*).

Response to Arguments

17. Applicant's arguments filed May 16th, 2005 have been fully considered but they are not persuasive.

a. Applicant argues that the prior art Hall taken alone or in combination with Schuetze et al, fail to teach, disclose or suggest an inventive concept the person's availability information the person up-to-date information processed by the associated filter no presenting back up to data availability information. Applicant further argues that claims 1, 11 and 20 are not rendered obvious by Hall in view of Schuetze et al. Examiner respectfully disagrees with Applicant's characterization of the prior arts and the obviousness combination of the prior arts. Schuetze et al among other things teach an inventive concept that is directed toward selectively searching the Web for relevant current information based on user personal search information (or filtering profiles). By selectively searching the Web, relevant information that has been added recently will

more likely be discovered. A user provides personal search information such as a query and how often a search is performed to a filtering program. The filtering program invokes a Web crawler to search selected or ranked servers on the Web based on a user selected search strategy or ranking selection. The filtering program directs the Web crawler to search a predetermined number of ranked servers based on the likelihood that the server has relevant content in comparison to the user query ("content ranking selection") the likelihood that the server has content which is altered often ("frequency ranking selection") a combination of and ("both content and frequency ranking"). *The recently altered relevant information*, or hyperlinks to such information, is then provided to the user. Schuetze et al further teach an article of manufacture, including a computer readable memory for searching for *recently altered documents* is provided. The computer readable memory comprises a first software program for obtaining user information. A second software program provides a first content value of a first document at a first processing device address, responsive to a comparison of the user information with the content of the first document. A second software program obtains a first frequency of alterations to the content of the first document.

b. As for the argument that claims 1, 11 and 20 are not rendered obvious by Hall in view of Schuetze et al. Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

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the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the inventive concept are in the same environment therefore the combination is proper.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

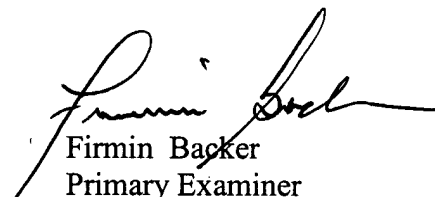
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (571) 272-6703. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer
Primary Examiner
Art Unit 3621

July 22, 2005